

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

[R07-190]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 16, Arizona Medical Board
Article and its heading: 1, General Provisions; 6, Disciplinary Actions; 7, Office-based Surgery Using Sedation
Sections numbers: R4-16-101, R4-16-603, R4-16-701, R4-16-702, R4-16-703, R4-16-704, R4-16-705, R4-16-706, R4-16-707 (Sections may be added, deleted, or modified as necessary.)
- 2. Subject matter of the proposed rules:**
The purpose of this rulemaking is to provide standards for office-based surgery conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center.
- 3. A citation to all published notices relating to the proceeding:**
Not applicable
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: Timothy Miller, Executive Director
Address: 9545 E. Doubletree Ranch Road
Scottsdale, Arizona 85258
Telephone: (480) 551 2791
Fax: (480) 551 2828
E-mail: tmiller@azmd.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will continue to accept oral and written comments at the location listed above between 8:00 a.m. and 5:00 p.m. Monday through Friday, until the close of record. The Board has not scheduled an oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None

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BOARD OF NURSING

[R07-192]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its headings: 19, Arizona State Board of Nursing
Articles and headings: 1, Definitions and Time-frames; 2, Arizona Professional and Practical Nursing Programs; 4, Regulation; 8, Certified Nursing Assistants
Section numbers: R4-19-101, R4-19-102, R4-19-206, R4-19-401, R4-19-402, R4-19-403, R4-19-404, R4-19-405, R4-19-406 and R4-19-814, (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Board is initiating rulemaking on Articles 1 and 4 as part of their strategic plan to improve regulatory effectiveness and update rules on Definitions, Time-frames, and Regulation. Other rules are being revised to delete definitions that will be moved to the definition section of Article 1. New Section R4-19-405 is added to clarify the Board's pro-

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cesses in ordering an evaluation of a nurse under investigation. New Section R4-19-406 is added to clarify the Board's right to examine and copy evidence.

3. A citation to all published notices relating to the procedure:

Not applicable

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Pamela Randolph RN, MS
Associate Director of Education and Evidence Based Regulation
Board of Nursing

Address: 4747 N. 7th St., Ste. 200
Phoenix, AZ 85014

Telephone: (602) 889-5209

Fax: (602) 889-5155

E-mail: prandolph@azbn.org

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Has not been determined

6. A time table for agency decisions or other action on the proceeding, if known:

Has not been determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS

[R07-206]

1. Title and its heading:

9, Health Services

Chapter and its heading:

6, Department of Health Services – Communicable Diseases and Infestations

Article and their headings:

1, General; 8, Assaults on Officers, Firefighters, or Emergency Medical Technicians; 9, Health Professional Exposures; 10, HIV-Related Testing and Notification, and 11, STD-Related Testing and Notification

Section numbers:

R9-6-101, R9-6-801, R9-6-802, R9-6-901, R9-6-902, R9-6-1001 through R9-6-1006, and R9-6-1101 through R9-6-1104 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

A.R.S. §§ 13-1210(D) and 32-3207(D) require the Department of Health Services to adopt rules that establish the notification procedures to be used after testing is completed pursuant to a court order issued under A.R.S. §§ 13-1210 or 32-3207. A.R.S. § 13-1415(B) instructs that court-ordered testing issued under its authority is to be performed in compliance with rules adopted by the Department. The Department is proposing to adopt rules that will implement the foregoing statutory authority. The proposed changes and additions will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

The agency docket number:

RE-012-07

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Judy Norton, Office Chief
Address: Department of Health Services
Office of HIV, STD, & Hepatitis C Services
150 N. 18th Ave., Ste. 110
Phoenix, AZ 85007

Telephone: (602) 364-4698

Fax: (602) 364-3199

E-mail: nortonj@azdhs.gov

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or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams, Ste. 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS**

[R07-205]

1. Title and its heading:

9, Health Services

Chapter and its heading:

6, Department of Health Services – Communicable Diseases and Infestations

Article and their headings:

1, General

Section numbers:

R9-6-103 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

A.R.S. § 36-664(E) requires the Department of Health (the “Department”) to adopt rules that establish standards for disclosing communicable disease-related information to Good Samaritans. The Department is proposing to adopt rules for disclosing communicable disease-related information to Good Samaritans. This new Section will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

The agency docket number:

RE-013-07

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Judy Norton, Office Chief

Address: Department of Health Services
Office of HIV, STD, & Hepatitis C Services
150 N. 18th Ave., Ste. 110
Phoenix, AZ 85007

Telephone: (602) 364-4698

Fax: (602) 364-3199

E-mail: nortonj@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

Address: Department of Health Services
Office of Administrative Rules and Counsel
1740 W. Adams, Ste. 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

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E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF REVENUE

TRANSACTION PRIVILEGE AND USE TAX SECTION

[R07-204]

1. Title and its heading:
Chapter and its heading

15, Revenue
5, Department of Revenue – Transaction Privilege and Use Tax
Section

Article and its heading:

2, Introduction; 18.1, Sales of Food

Section number:

R15-5-201; R15-5-202; R15-5-203; R15-5-204; R15-5-205; and
R15-5-206, R15-5-1860, and R15-5-1862

2. The subject matter of the proposed rule:

The Department is amending its rules applicable to the Arizona transaction privilege tax consequences of selling food. The current transaction privilege tax rules applicable to the sale of food are contained in A.A.C. R15-5-1860 and A.A.C. R15-5-1862. This rulemaking action will amend these two rules and create four additional rules covering the various issues relating to sales of food. These rules will be moved to Article 2 of Title 15, Chapter 5.

The agency docket number:

07-5-01

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Christie Comanita, Manager
Address: Tax Policy and Research Division
Department of Revenue
1600 W. Monroe
Phoenix, AZ 85007
Telephone: (602) 716-6791
Fax: (602) 716-7995
E-mail: CComanita@azdor.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

None

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DEPARTMENT OF WEIGHTS AND MEASURES

R07-194]

1. Title and its heading:
Chapter and its heading:
Article and its heading:

20, Commerce, Financial Institutions, and Insurance
2, Department of Weights and Measures
1, Administration and Procedures; 6, Registered Service Agencies and
Representatives; and 9, Gasoline Vapor Control
R20-2-101, R20-2-102, R20-2-601 through R20-2-605, and R20-2-901
through R20-2-912 (Sections may be added, deleted, or modified as
necessary.)

Section numbers:

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2. The subject matter of the proposed rule:

In Article 1, the Department will update materials incorporated by reference and increase metrology fees. In Article 6, the Department will establish vapor recovery levels for registered service agencies and representatives. In Article 9, the Department will amend vapor recovery testing requirements.

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Duane Yantorno
Address: Department of Weights and Measures
4425 W. Olive, Ste.134
Glendale, AZ 85302
Telephone: (623) 463-9942
Fax: (623) 939-7825
E-mail: Dyantorno@azdwm.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

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DEPARTMENT OF WEIGHTS AND MEASURES

[R07-193]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

2, Department of Weights and Measures

Article and its heading:

7, Motor Fuels and Petroleum Products

Section numbers:

R20-2-701, R20-2-702, R20-2-718, R20-2-719, R20-2-750 through
R20-2-762 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The Department will amend the standards for CARB Phase 3 gasoline, establish standards for low and ultra-low sulfur diesel, modify the biodiesel requirement, and create a biofuels registry.

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Duane Yantorno
Address: Department of Weights and Measures
4425 W. Olive, Ste.134
Glendale, AZ 85302
Telephone: (623) 463-9942
Fax: (623) 939-7825
E-mail: Dyantorno@azdwm.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None